

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	4:05CR3138
v.)	
)	
RANDY A. KNAUB,)	
)	TENTATIVE FINDINGS ON OBJECTION
Defendants.)	TO REVISED PRESENTENCE
)	INVESTIGATION REPORT
_____)	

The objection to the Revised Presentence Investigation Report is by defendant Knaub, who objects to the two-level increase for obstruction of justice and the paragraphs that account for this two-level increase.

Resolution of this issue depends upon whether I make an independent decision that the defendant testified under oath, giving false testimony concerning a material matter with the willful intent to provide false testimony. *United States v. Dunnigan*, 507 U.S. 87 (1993). I expect to examine my notes of the trial, as well as a transcript of the trial, and address each element of the alleged perjury in a separate and clear finding for the purpose of determining whether there has been “an obstruction of, or impediment to, justice that encompasses all the factual predicates for a finding of perjury.” *Id.* 507 U.S. 87, 95 (1993), and *U.S. v. Abdul-Aziz*, No. 06-3032 (8th Cir. May 29, 2007). Counsels’ arguments on the subject will be heard at the sentencing hearing.

Dated June 4, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge